

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Appellants: Christopher Thorne et al.  
Application Serial No.: 10/537,618  
Filed: June 3, 2005  
Title: AUDIO SIGNAL ANALYSING METHOD AND APPARATUS

Confirm. No.: 5448  
Group Art Unit: 2892  
Examiner: A.R. Millikin

BURNS & LEVINSON LLP  
125 Summer Street  
Boston, MA 02110  
(617) 345-3000

TO: Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Sir:

In Response to the Notice of Non-Compliant Appeal Brief dated March 30, 2009, 2009, Appellants submit herewith a Supplemental Appeal Brief which places the Appeal Brief in compliance with the provisions of 37 CFR 41.37.

Respectfully submitted,  
Christopher Thorne et al., Appellants

Dated: April 27, 2009

By: /Bruce D. Jobse/  
Bruce D. Jobse  
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**SUPPLEMENTAL APPEAL BRIEF**

Sir:

In Response to the Notice of Non-Compliant Appeal Brief dated March 30, 2009, 2009 (the "Notice"), Appellants submit herewith a new GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL. As required by the Notice, the GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL contains a concise statement of each ground of rejection presented for review (as per 37 CFR 41.37(c)(1)(vi)), which is consistent with the grounds of rejection listed in the final office action dated May 2, 2007.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL appears on page 2 of this paper.

REMARKS begin on page 3 of this paper.

(vi) Grounds of Rejection to be Reviewed on Appeal

The issues in the present matter are:

A. Rejection of claims 1-25 under 35 U.S.C. 101, as being directed to non-statutory subject matter.

B. Rejection of claims 1-25 under 35 U.S.C. 103(a), as being unpatentable over U.S. Patent No. 5,242,486 issued to Aoki in view of U.S. Patent No. 6,057,502 issued to Fujishima.

**Remarks**

Appellants have carefully reviewed the Notice of Non-Compliant Appeal Brief dated March 30, 2009 and submit a Supplemental Appeal Brief herewith. With the filing of this Supplemental Appeal Brief, Appellants believe that the Appeal Brief now complies with the provisions of 37 CFR 41.37.

Respectfully submitted,  
Christopher Thorne et al., Appellants

Dated: April 27, 2009

By:           /Bruce D. Jobse/            
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